

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

James L. Kelley, Chairman  
Dr. Richard F. Foster  
Dr. Paul W. Purdom

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In the Matter of  
DUKE POWER COMPANY, et al.  
(Catawba Nuclear Station,  
Units 1 and 2)

Docket Nos. 50-413  
50-414

ASLBP No. 81-463-01 OL

February 27, 1984

MEMORANDUM AND ORDER  
(Admitting a Board Contention Concerning  
Certain Diesel Generator Problems)

By letter dated February 17, 1984, Counsel for the Applicants provided information to the Board and parties concerning certain recently discovered problems with the 1-A diesel generator at Catawba manufactured by Transamerica Delaval, Inc. (TDI). A copy of that letter is attached hereto. We recently admitted an Intervenor-sponsored, site-specific contention concerning the design of the diesel generator crankshafts at Catawba. At the same time we referred to the Appeal Board our rejection of two generic contentions concerning TDI diesel generators. Our Memorandum and Order of referral dated February 23,

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1984 describes the background of present concerns about the reliability of TDI diesels, the Staff's present lack of confidence in all TDI diesels at nuclear plants, and their position that there should be no further licensing of plants equipped with TDI diesels until present concerns are addressed. It is unnecessary to restate those developments further here, except to note that we are considering the recently discovered diesel problems at Catawba against that backdrop.

The recently discovered problems include a cracked cylinder head, welding flaws, inadequate turbocharger lubrication and a cracked fuel oil injection pump nozzle. We believe that problems of this nature, viewed in the light of the Staff's ongoing investigation of a range of similar problems and their present lack of confidence in TDI diesels, warrant a determination that a serious safety matter exists within the meaning of 10 CFR 2.760a. See Southern California Edison Co. (San Onofre Station), 14 NRC 691, 697-698 (1981). This determination is without prejudice to the Applicants' opportunity to prove their position, as expressed in their letter, that "none of these matters have a significant bearing on the operational reliability of the diesel." Rather, it is a preliminary determination which supports our admission, on our own motion, of the following contention:

Whether there is a reasonable assurance that the TDI emergency diesel generators at the Catawba Station can perform their function and provide reliable service because of the problems reported in the Applicants' letter to the Board of February 17, 1984.

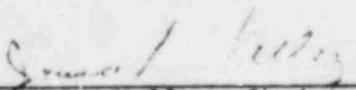
We expect the Applicants to keep us fully and currently informed concerning any additional problems that may arise with the Catawba TDI diesels.

The contention we now admit is site-specific in the sense that it focuses on problems that have actually been experienced at the Catawba facility. Indeed it is because of its site-specific aspect that we felt obliged to raise this issue on our own motion, even at this late date. We recognize, however, that this Board contention also has generic aspects because its thrust is more toward operational reliability than design considerations. As the Applicant's letter points out, "these matters are similar in nature to matters found with other TDI diesels." We expect, therefore, that litigation of this contention may involve us in proof of diesel operating histories from other nuclear plants with diesels of the same design. As we indicated in our referral order, we think it would be preferable to litigate the generic aspects of present concerns about TDI diesels in a lead or special proceeding, rather than in many individual operating license cases.

Discovery on this Board contention should proceed expeditiously, but more time may be needed than we have allowed for the simpler and narrower crankshaft contention. There will be one round of simultaneously served interrogatories for each party, to be in the hands of the answering party by March 19, 1984. Responses are to be in the hands of the interrogator by April 2, 1984. Shortly thereafter, we can arrange a telephone conference with the parties to discuss further discovery schedules and related questions.

In accordance with the Secretary's Memorandum of June 30, 1981, concerning sua sponte issues, copies of this Memorandum and Order are being forwarded to the General Counsel and to the Commission.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

  
James L. Kelley, Chairman  
ADMINISTRATIVE JUDGE

Bethesda, Maryland

February 27, 1984.

Attachment: Letter dated  
February 17, 1984

cc: Chairman Nunzio J. Palladino, w/cy attach.  
Commissioner Victor Gilinsky, w/cy attach.  
Commissioner Thomas M. Roberts, w/cy attach.  
Commissioner James K. Asselstine, w/cy attach.  
Commissioner Frederick M. Bernthal, w/cy attach.

Herzel H. E. Plaine, General Counsel, w/cy attach.